

AMENDED IN SENATE JUNE 24, 2013

AMENDED IN ASSEMBLY APRIL 29, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 648**

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**Introduced by Assembly Member Jones-Sawyer**

February 21, 2013

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An act to amend Section 68086 of the Government Code, relating to courts, *and making an appropriation therefor.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 648, as amended, Jones-Sawyer. Court reporters.

Existing law requires the charge of an official court reporter fee, in addition to any other fee required in civil actions or cases. For each proceeding lasting more than one hour, a fee equal to the actual cost of providing that service is required to be charged per  $\frac{1}{2}$  day of services to the parties, on a pro rata basis. For each proceeding lasting less than one hour, a fee of \$30 is required to be charged for the reasonable cost of the services of an official court reporter. Fees collected pursuant to this provision may be used only to pay for services of an official court reporter in civil proceedings.

This bill would require, for each proceeding ~~lasting~~ *anticipated to last* one hour or less, the \$30 fee to be charged ~~only~~ to the party, or parties if filing jointly, that filed the paper that resulted in the proceeding being scheduled. *The bill would require, if no fee is charged, and another party subsequently requests a court reporter, that the requesting party be charged a fee if the court determines that a court reporter will be provided.* The bill would require the fee to be charged once per case for all proceedings conducted within the same hour if the total time

taken by those proceedings is one hour or less. The bill would provide for the deposit of the ~~fees~~ *fee* collected into the Trial Court Trust Fund and would provide for the distribution of ~~those fees~~ *the fee* back to the ~~courts in court~~ *from which the fee was collected, thereby making an appropriation*. The bill would waive the ~~fees~~ *fee* for a person who has been granted a fee waiver.

Vote: majority. Appropriation: ~~no~~ *yes*. Fiscal committee: ~~no~~ *yes*. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 68086 of the Government Code is  
2 amended to read:  
3 68086. The following provisions apply in superior court:  
4 (a) In addition to any other fee required in civil actions or cases:  
5 (1) For each proceeding ~~lasting anticipated to last~~ *one hour or*  
6 *less, a fee of thirty dollars (\$30) shall be charged for the reasonable*  
7 *cost of the court reporting services of an official court reporter*  
8 ~~in civil proceedings~~ *reporter that is provided by the court pursuant*  
9 *to Section 269 of the Code of Civil Procedure.*  
10 (A) The fee shall be charged ~~only~~ *only* to the party, or parties if filing  
11 jointly, that filed the paper that resulted in the proceeding being  
12 scheduled. *If no fee is charged, and another party subsequently*  
13 *requests a court reporter, that party shall be charged the fee if the*  
14 *court determines that a reporter will be provided.*  
15 (B) All parties paying the fee shall deposit the fee with the clerk  
16 of the court as specified by the court, but not later than the  
17 conclusion of each day's court session.  
18 (C) The fee shall be charged once per case for all proceedings  
19 conducted within the same hour if the total time taken by those  
20 proceedings is one hour or less. If the total time taken exceeds one  
21 hour, the fee shall be charged and collected pursuant to paragraph  
22 (2).  
23 (D) The ~~fees~~ *fee* shall be deposited into the Trial Court Trust  
24 Fund and distributed back to the ~~courts in court~~ *from which the*  
25 ~~fees were~~ *fee was* collected on a dollar-for-dollar basis.  
26 (E) The fee shall be refunded *as soon as practicable* to the  
27 remitting party or parties if no court reporting services were  
28 ~~provided at the scheduled proceeding~~ *provided.*

1 (2) For each proceeding lasting more than one hour, a fee equal  
2 to the actual cost of providing that service shall be charged per  
3 one-half day of services to the parties, on a pro rata basis, for the  
4 services of an official court reporter on the first and each  
5 succeeding judicial day those services are provided pursuant to  
6 Section 269 of the Code of Civil Procedure.

7 (A) All parties shall deposit their pro rata shares of these fees  
8 with the clerk of the court as specified by the court, but not later  
9 than the conclusion of each day's court session.

10 (B) For purposes of this paragraph, "one-half day" means any  
11 period of judicial time, in excess of one hour, but not more than  
12 four hours, during either the morning or afternoon court session.

13 (b) The fee shall be waived for a person who has been granted  
14 a fee waiver under Section 68631.

15 (c) The costs for the services of the official court reporter shall  
16 be recoverable as taxable costs by the prevailing party as otherwise  
17 provided by law.

18 (d) The Judicial Council shall adopt rules to ensure all of the  
19 following:

20 (1) That parties are given adequate and timely notice of the  
21 availability of an official court reporter.

22 (2) That if an official court reporter is not available, a party may  
23 arrange for the presence of a certified shorthand reporter to serve  
24 as an official pro tempore reporter, the costs therefor recoverable  
25 as provided in subdivision (c).

26 (3) That if the services of an official pro tempore reporter are  
27 utilized pursuant to paragraph (2), no other charge shall be made  
28 to the parties.

29 (e) The fees collected pursuant to this section shall be used only  
30 to pay the cost for services of an official court reporter in civil  
31 proceedings.

32 (f) The Judicial Council shall report on or before February 1 of  
33 each year to the Joint Legislative Budget Committee on the fees  
34 collected by courts pursuant to this section and Section 68086.1  
35 and on the total amount spent for services of official court reporters  
36 in civil proceedings statewide in the prior fiscal year.